

111TH CONGRESS
1ST SESSION

H. R. 3453

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make improvements in the provision of Federal disaster assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mr. SCALISE (for himself and Mr. CAO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to make improvements in the provision of Federal disaster assistance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Recovery Im-
5 provement Act”.

1 **SEC. 2. ADDITIONAL MITIGATION ASSISTANCE.**

2 Section 404 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170c) is
4 amended by adding at the end the following:

5 “(d) ADDITIONAL MITIGATION ASSISTANCE.—

6 “(1) IN GENERAL.—If, at the time of a declara-
7 tion of a major disaster, the affected State has in
8 effect and is actively enforcing throughout the State
9 an approved State building code, the President may
10 increase the maximum total of contributions under
11 this section for the major disaster, as specified in
12 subsection (a), by an amount equal to 5 percent of
13 the estimated aggregate amount of grants to be
14 made (less any associated administrative costs)
15 under this Act with respect to the major disaster.

16 “(2) SUBMISSION.—To be eligible for an in-
17 creased Federal share under paragraph (1), a State,
18 at least once every 4 years, shall submit its State
19 building code to the President for approval.

20 “(3) APPROVAL.—The President shall approve
21 a State building code submitted under paragraph (2)
22 if the President determines that the building code—

23 “(A) is consistent with the most recent
24 version of a nationally recognized model build-
25 ing code;

1 “(B) has been adopted by the State within
2 4 years of the most recent version of the na-
3 tionally recognized model building code; and

4 “(C) uses the nationally recognized model
5 building code as a minimum standard.

6 “(4) DEFINITIONS.—In this subsection, the fol-
7 lowing definitions apply:

8 “(A) ACTIVELY ENFORCING.—The term
9 ‘actively enforcing’ means effective jurisdic-
10 tional execution of all phases of a State building
11 code in the process of examination and approval
12 of construction plans, specifications, and tech-
13 nical data and the inspection of new construc-
14 tion or renovation.

15 “(B) NATIONALLY RECOGNIZED MODEL
16 BUILDING CODE.—The term ‘nationally recog-
17 nized model building code’ means a building
18 code for residential and commercial construc-
19 tion and construction materials that—

20 “(i) has been developed and published
21 by a code organization in an open con-
22 sensus type forum with input from na-
23 tional experts; and

24 “(ii) is based on national structural
25 design standards that establish minimum

1 acceptable criteria for the design, construc-
2 tion, and maintenance of residential and
3 commercial buildings for the purpose of
4 protecting the health, safety, and general
5 welfare of the building’s users against nat-
6 ural disasters.

7 “(C) STATE BUILDING CODE.—The term
8 ‘State building code’ means requirements and
9 associated standards for residential and com-
10 mercial construction and construction materials
11 that are implemented on a statewide basis by
12 ordinance, resolution, law, housing or building
13 code, or zoning ordinance. At a minimum, such
14 requirements and associated standards shall
15 apply—

16 “(i) to construction-related activities
17 of residential building contractors applica-
18 ble to single-family and two-family residen-
19 tial structures; and

20 “(ii) to construction-related activities
21 of engineers, architects, designers, and
22 commercial building contractors applicable
23 to the structural safety, design, and con-
24 struction of commercial, industrial, and
25 multifamily structures.

1 “(5) REGULATIONS.—Not later than 180 days
2 after the date of enactment of this subsection, the
3 President, acting through the Administrator of the
4 Federal Emergency Management Agency, shall issue
5 such regulations as may be necessary to carry out
6 this subsection.”.

7 **SEC. 3. EXPEDITED PAYMENTS.**

8 Section 406 of the Robert T. Stafford Disaster Relief
9 and Emergency Assistance Act (42 U.S.C. 5172) is
10 amended by adding at the end the following:

11 “(f) EXPEDITED PAYMENTS.—

12 “(1) GRANT ASSISTANCE.—In making a con-
13 tribution under subsection (a)(1), the President shall
14 provide not less than 50 percent of the President’s
15 initial estimate of the Federal share of assistance as
16 an initial payment in accordance with paragraph (2).

17 “(2) DATE OF PAYMENT.—Not later than 60
18 days after the date of the estimate described in
19 paragraph (1), and not later than 90 days after the
20 date on which the State or local government or
21 owner or operator of a private nonprofit facility ap-
22 plies for assistance under this section, the initial
23 payment described in paragraph (1) shall be paid.”.

1 **SEC. 4. DEBRIS REMOVAL.**

2 (a) DEBRIS MANAGEMENT PLANS.—Section 407(d)
3 of the Robert T. Stafford Disaster Relief and Emergency
4 Assistance Act (42 U.S.C. 5173(d)) is amended by adding
5 at the end the following: “The Federal share shall be in-
6 creased by 5 percent for States and local governments that
7 (1) have a debris management plan approved by the Ad-
8 ministrator; and (2) have prequalified 2 or more debris
9 and wreckage removal contractors before the date of dec-
10 laration of the major disaster. To qualify for the increased
11 Federal share under the preceding sentence, a debris man-
12 agement plan shall be resubmitted to the Administrator
13 for approval every 4 years.”.

14 (b) FINANCIAL INCENTIVES FOR DEBRIS RECY-
15 CLING.—Section 407 such Act (42 U.S.C. 5173) is
16 amended by adding at the end the following:

17 “(f) DEBRIS RECYCLING.—

18 “(1) IN GENERAL.—A grant recipient under
19 subsection (a)(2) may use funds from the grant for
20 the costs of recycling debris and wreckage resulting
21 from a major disaster, including the sorting of such
22 materials.

23 “(2) VALUE OF SALVAGED MATERIAL.—

24 “(A) RETENTION OF FINANCIAL BENE-
25 FITS.—A grant recipient under subsection

1 (a)(2) may retain any financial benefit received
2 from the salvage of recycled debris or wreckage.

3 “(B) TREATMENT OF FINANCIAL BENE-
4 FITS.—Any such financial benefit shall not be
5 considered to be program income for purposes
6 of section 13.25 of title 44, Code of Federal
7 Regulations (or any successor regulation).

8 “(C) CONTRACTS.—Any arrangement be-
9 tween a grant recipient under subsection (a)(2)
10 and a contractor in which the contractor will re-
11 tain possession of recyclable materials shall be
12 reflected in the contractor’s bid price.

13 “(3) REPORTING.—

14 “(A) RECIPIENTS THAT RECYCLE DE-
15 BRIS.—A grant recipient under subsection
16 (a)(2) that recycles debris or wreckage during
17 disaster operations shall submit to the Adminis-
18 trator of the Federal Emergency Management
19 Agency a written description of what the recipi-
20 ent did to recycle the debris or wreckage, the
21 volume of the debris or wreckage that was recy-
22 cled, and the monetary or nonmonetary benefits
23 received, if any.

24 “(B) RECIPIENTS THAT DO NOT RECYCLE
25 DEBRIS.—A grant recipient under subsection

1 (a)(2) that chooses not to recycle debris or
2 wreckage during disaster operations shall sub-
3 mit to the Administrator a written statement
4 describing why this option was not used.”.

5 **SEC. 5. APPEALS PROCESS.**

6 (a) **TIMING.**—Section 423(b) of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act (42
8 U.S.C. 5189a(b)) is amended by striking “90 days” and
9 inserting “60 days”.

10 (b) **REGULATIONS.**—The Administrator shall issue
11 rules regarding the information that must be provided to
12 an applicant in the event that a project worksheet is de-
13 nied. The required information shall include, at a min-
14 imum—

15 (1) all reasons for which the project worksheet
16 was denied;

17 (2) the specific items, if any, in the project
18 worksheet that are disputed; and

19 (3) a description of any additional information
20 the applicant needs to provide.

21 **SEC. 6. INDIVIDUAL ASSISTANCE FACTORS.**

22 In order to provide more objective criteria for evalu-
23 ating the need for assistance to individuals and to speed
24 a declaration of a major disaster or emergency under the
25 Robert T. Stafford Disaster Relief and Emergency Assist-

1 ance Act (42 U.S.C. 5121 et seq.), not later than 180 days
 2 after the date of enactment of this Act, the Administrator
 3 of the Federal Emergency Management Agency, in co-
 4 operation with representatives of State and local emer-
 5 gency management agencies, shall review, update, and re-
 6 vise through rulemaking the factors considered under sec-
 7 tion 206.48 of title 44, Code of Federal Regulations, to
 8 measure the severity, magnitude, and impact of a disaster.

9 **SEC. 7. HOUSEHOLD PETS AND SERVICE ANIMALS.**

10 Section 502(a) of Robert T. Stafford Disaster Relief
 11 and Emergency Assistance Act (42 U.S.C. 5192(a)) is
 12 amended—

13 (1) by striking “and” at the end of paragraph
 14 (7);

15 (2) by striking the period at the end of para-
 16 graph (8) and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(9) provide assistance for rescue, care, shelter,
 19 and essential needs—

20 “(A) to individuals with household pets
 21 and service animals; and

22 “(B) to such pets and animals.”.

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